

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| Substitute for Form<br>PTO-1390   |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE                             |  | ATTORNEY'S DOCKET NUMBER<br><div style="text-align: center;">1032013-000119</div>                    |  |
| <b>TRANSMITTAL LETTER TO THE UNITED STATES<br/>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br/>CONCERNING A FILING UNDER 35 U.S.C. 371</b>   |  |   |  | U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><div style="text-align: center;">10/532,114</div> |  |
| INTERNATIONAL APPLICATION NO.<br><div style="text-align: center;">PCT/FR2003/003124</div>   |  | INTERNATIONAL FILING DATE<br><div style="text-align: center;">21 October 2003</div> |  | PRIORITY DATE CLAIMED<br><div style="text-align: center;">21 October 2002</div>                      |  |
| TITLE OF INVENTION<br><br>PHARMACEUTICAL COMPOSITION COMBINING TENATOPRAZOLE AND A HISTAMINE H2-RECEPTOR ANTAGONIST   |  |   |  |  |  |
| APPLICANT(S) FOR DO/EO/US<br>Francois SCHUTZE, Suzy CHARBIT, Herve FICHEUX, Michel HOMERIN, Alain TOCCOEN and Yoshio INABA  |  |   |  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |  |  |  |
| <ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission to items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected by the expiration of 19 months from the priority date (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> |  |   |  |  |  |
| <b>Items 11 to 21 below concern document(s) or information included:</b>  |  |   |  |  |  |
| <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A FIRST preliminary amendment.</li> <li>14. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <u>A copy of Notification of Missing Requirements dated 7 February 2006; and Response to Notification of Missing Requirements under 35 U.S.C. 371 dated 7 February 2006.</u> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> <div style="border-bottom: 1px solid black; margin-top: 5px;"></div> </li> </ol>  |  |   |  |  |  |

|  |   |   |
|--|---|---|
| U.S. APPLICATION NO. (If known, see 37 CFR 1.5)<br><div style="text-align: center;">10/532,114</div> | INTERNATIONAL APPLICATION NO.<br><div style="text-align: center;">PCT/FR2003/003124</div> | ATTORNEY'S DOCKET NUMBER<br><div style="text-align: center;">1032013-000119</div> |
|--|---|---|

|  |  |
|--|--|
| 21. <input type="checkbox"/> Applicant(s) requests that the published application include the following assignment information:<br><div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> <div style="border-bottom: 1px solid black; height: 10px; margin-bottom: 5px;"></div> | <b>CALCULATIONS PTO USE ONLY</b><br><div style="border: 1px solid black; height: 100px; margin-top: 5px;"></div> |
|--|--|

|  |              |              |                   |                         |
|--|--------------|--------------|-------------------|-------------------------|
| 22. <input checked="" type="checkbox"/> The following fees are submitted:  |              |              |                   |                         |
| Basic Filing Fee (1631)  |              |              |                   |                         |
| Surcharge of <b>\$130.00 (1617)</b> for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)). |              |              |                   | \$ 130.00               |
| CLAIMS   | NUMBER FILED | NUMBER EXTRA | RATE              | \$                      |
| Total Claims   | -20 =        | 0            | X \$50.00 (1615)  | \$ 0.00                 |
| Independent Claims   | - 3 =        | 0            | X \$200.00 (1614) | \$ 0.00                 |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)  |              |              | + \$360.00 (1616) |                         |
| Examination Fee  |              |              | + \$200.00 (1633) |                         |
| Search Fee   |              |              | + \$400.00 (1632) |                         |
| App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)   |              |              |                   |                         |
| TOTAL OF ABOVE CALCULATIONS =  |              |              |                   | \$ 130.00               |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |              |                   | + \$ 0.00               |
| SUBTOTAL =   |              |              |                   | \$ 130.00               |
| Processing fee of <b>\$130.00 (1618)</b> for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).       |              |              |                   | \$ 0.00                 |
| TOTAL NATIONAL FEE =   |              |              |                   | \$ 130.00               |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00 (8021)</b> per property +                                     |              |              |                   |                         |
| TOTAL FEES ENCLOSED =  |              |              |                   | \$ 130.00               |
|  |              |              |                   | Amount to be refunded : |
|  |              |              |                   | charged :               |

04/03/2006 MAILING 00000124 1032013-000119

01 FEE 1617 130.00 UP

a. ☐ A check in the amount of \_\_\_\_\_ to cover the above fees is enclosed.

b. ☐ Please charge my Deposit Account No. 02-4800 in the amount of \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this sheet is enclosed.

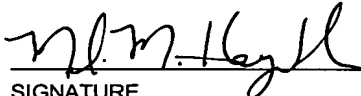
d. ☒ Charge \$ 130.00 to credit card. Form PTO-2038 is attached.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Buchanan Ingersoll PC  
 Including attorneys from Burns, Doane, Swecker & Mathis  
 P.O. Box 1404  
 Alexandria, Virginia 22313-1404  
 (703) 836-6620

  
 SIGNATURE  
  
 \_\_\_\_\_  
 NAME  
 Melissa M. Hayworth  
  
 \_\_\_\_\_  
 REGISTRATION NO.  
 45,774  
  
 \_\_\_\_\_  
 DATE  
 3 April 2006

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |                   |
|---|---|-------------------|
| In re Patent Application of               | ) |                   |
|   | ) |                   |
| Francois SCHUTZE et al.                   | ) | Group Art Unit:   |
|   | ) |                   |
| Application No.: 10/532,114               | ) | Examiner:         |
|   | ) |                   |
| International Filing Date: April 21, 2005 | ) | Confirmation No.: |
|   | ) |                   |
| For: Pharmaceutical Composition Combining | ) |                   |
| Tenatropazole and a Histamine H2-         | ) |                   |
| Receptor Antagonist                       | ) |                   |
|   | ) |                   |
|   | ) |                   |

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 DATED 7 FEBRUARY 2006**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Please note that inventor Alain Taccoen is deceased. Accordingly, pursuant to 37 C.F.R. §1.421 and MPEP § 409.01(a), his heir, Nathalie Taccoen, has signed on his behalf as heir and legal representative to Alain Taccoen.

Accordingly, Applicants submit herewith the attached executed declaration indicating the relationship between the heir and the deceased inventor and the heir's citizenship, residence, and mailing address as required under 37 C.F.R. § 1.497(b)(2).

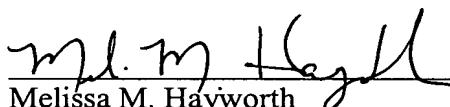
The heir is as follows:

Nathalie Taccoen  
wife of and heir and legal representative to Alain Taccoen  
9, avenue de Villiers  
F-78150 Le Chesnay  
France

As the heir to Alain Taccoen's estate, Nathalie Taccoen has executed the attached oath/declaration in place of Alain Taccoen.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,  
BUCHANAN INGERSOLL PC

By:   
Melissa M. Hayworth  
Registration No. 45,774

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: April 3, 2006